

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF THE STATE OF NEW JERSEY

SEAN J. McCALL,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO.:
	:	
NEW PRIME, INC. a/k/a and d/b/a	:	
PRIME, INC., JEFFREY	:	
SCHOTTMULLER, MONTRESE	:	
LAVONNE-CARTER and JOHN	:	
DOES 1-50 (fictitious designations),	:	
	:	
Defendants.	:	

**NOTICE OF REMOVAL**

TO THE HONORABLE JUDGES IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW JERSEY:

Defendant, New Prime, Inc. d/b/a Prime, Inc., by and through its attorneys, Rawle &  
Henderson LLP, respectfully avers as follows:

1. On or about March 12, 2012, plaintiff commenced a civil action against  
defendants in the Superior Court of New Jersey, Mercer County. See Plaintiff's Summons &  
Complaint attached hereto as Exhibit "A."

2. According to the Complaint, this lawsuit arises out of a motor vehicle accident  
that allegedly occurred on April 19, 2010 on Interstate 295 in Mount Laurel Township,  
Burlington County, New Jersey. See Exhibit "A."

3. In the Complaint, plaintiff claims, *inter alia*, that as a result of the accident at  
issue herein he sustained the following injuries and damages:

Plaintiff, Sean J. McCall, was caused to suffer severe bodily injuries, some or all  
of which are permanent in nature; has been caused to aggravate any pre-existing  
medical condition, symptomatic and/or asymptomatic, which is permanent; has  
been caused and will be caused great pain and suffering; has been caused and will

be caused to expend large sums of money for medical treatment necessary to effect a cure for his injuries; and, has been caused and will be caused to lose large sums of money due to his inability to pursue his usual occupation.

See Exhibit "A," First Count, ¶5.

4. Based upon a fair reading of the Complaint, plaintiff has set forth a claim in which an amount in excess of the jurisdictional limit of \$75,000, exclusive of interests and costs, is at stake.

5. Upon information and belief, defendants, Jeffrey Schottmuller and Montrese Lavonne-Carter, have not been served with the Summons and Complaint to date.

6. The Summons and Complaint, being the original process in this case, was first received, by defendant, New Prime, Inc., no earlier than March 30, 2012. Thus, this Notice of Removal is filed within the time provided by 28 U.S.C. §1446(b).

7. The undersigned was retained as defense counsel for Jeffrey Schottmuller, and he consents to this removal.

8. At all times material hereto, defendant, New Prime, Inc. d/b/a Prime, Inc., was and is a corporation incorporated under the laws of the State of Nebraska with its principal place of business located in Springfield, Missouri.

9. At all times material hereto, defendant, Jeffrey Schottmuller, was and is a citizen of the State of Arizona, and he resides in Scottsdale, Arizona.

10. Upon information and belief, at all times material hereto, defendant, Montrese Lavonne-Carter, was and is a citizen of the State of Maryland, and she resides in Baltimore, Maryland.

11. At all times material hereto, plaintiff, Sean J. McCall, was and is a citizen of the State of New Jersey, residing in Mercer County, New Jersey. See Exhibit "A."

12. Diversity of citizenship within the meaning of 28 U.S.C. §1332, exists between plaintiff and defendants since:

- (a) plaintiff is a citizen and resident of the State of New Jersey; and
- (b) defendants are not citizens or residents of the State of New Jersey;

13. Furthermore, diversity of citizenship existed at the time the action sought to be removed was commenced and continues through the time of filing of this notice, such that defendant is entitled to removal pursuant to 28 U.S.C § 1441 as amended, and 28 U.S.C. § 1446.

WHEREFORE, defendant, New Prime, Inc. d/b/a Prime, Inc., prays that the above-captioned action now pending in the Superior Court of New Jersey of Mercer County, be removed there from to This Honorable Court.

Respectfully submitted,

RAWLE & HENDERSON LLP

By: 

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Dawn L. Jennings  
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Our File No.: 717844

Dated: April 25, 2012.

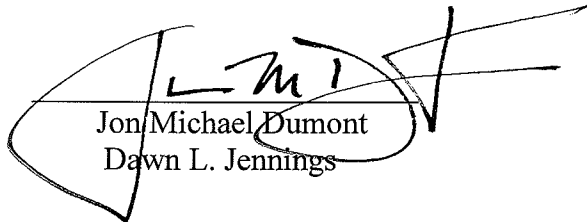
**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Notice of Removal was served upon the below listed counsel this 25th day of April 2012 by first-class mail, postage prepaid.

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